IN RE: PETITION FOR SPECIAL HEARING NW/S Oak Avenue, 45 ft. NE Wilberger Avenue

7814 Oak Avenue

BEFORE THE

* ZONING COMMISSIONER * OF BALTIMORE COUNTY

* CASE # 91-61-SPH

9th Election District 6th Councilmanic District

Mary Katherine Thompson Petitioner

******* FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, approval for the continued nonconforming use of a residential dwelling as a three (3) apartment dwelling in a D.R.5.5 residential zone, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, Mary Katherine Thompson, appeared, testified and was represented by J. Neil Lanzi, Esquire. Appearing and testifying on behalf of the Petition was Kenneth Thompson. There were no Protestants.

Testimony indicated that the subject property known as 7814 Oak Avenue consists of .157 acres +/-, zoned D.R.5.5 and is currently improved with the subject three (3) apartment dwelling and detached garage.

The Petitioner testified that she purchased the property in 1985 which was, at that time, a three (3) apartment dwelling. The Petitioner presented two affidavits marked Petitioner's Exhibits No. 4 and 5 which indicate that the subject property has been used as a three (3) apartment dwelling since the fall of 1946. There was no testimony or evidence to the contrary presented.

The evidence in the record shows an old house with three (3) outside entrances. The three (3) apartments all have separate gas lines for the stoves in each unit. The gas lines and the physical appearance of the old , house seems to imply three (3) apartments established many years ago.

ZONING DESCRIPTION

Baltimore County, Maryland

BEGINNING at a point on the northwest side of Oak Avenue, 50 feet wide, at a distance 45 feet northeast of the southwest side of

Wilberger Avenue, (25 feet wide), at its intersection with Oak

Avenue, thence leaving the northwest side of Oak Avenue and

running the following courses and distances:

4) Southwest 55.00 feet to the point of beginning.

CONTAINING 6,875 square feet in the ninth election district.

BEING a portion of Lot #105 and 106 as shown on the plat of Parkville, recorded among the Baltimore County Land Records

1) Northwest 125.00 feet

3) Southeast 125.00 feet

in Liber J.B. No. 96, Folio 356.

2) Northeast 55.00 feet

7814 Oak Avenue

91-61-594

The evidence and testimony appears to fulfill the standards of Section 104.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore Counday of 100, 1990, that an approval for the continued nonconforming use of a residential dwelling as a three (3) apartment dwelling in a D.R.5.5 residential zone, in accordance with Petitioner's Exhibit No. 1., is hereby GRANTED.

> Zoning Commissioner for Baltimore County

cc: Peoples Counsel

NG DEPARTMENT OF BALTIMORE COUNTY

District_9tf	Date of Posting 1/23/90
Posted for: Special Hearing	
Petitioner: Mary Kotherine Those	PS077
Location of property: NWIS Oak Hre. 41	5 NEWI borgen From
7814 DOK HAY	
Location of Signs: Facing Dat Are.	CADYUX. 10" Fr. You dway on
fro forty of Patitioner	
Remarks:	
Posted by Signature	Date of return: 1/2/100

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., successive weeks, the first publication appearing on 9-12,1990

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

5. Zehe_Olm

9 80,44

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

November 13, 1990



J. Neil Lanzi, Esquire 25 West Chesapeake Avenue, Suite 204 Towson, Maryland 21204

> RE: Petition for Special Hearing Mary Katherine Thompson, Petitioner Case #91-61-SPH

Dear Mr. Lanzi:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, J. Robert Haines J. ROBERT HAINES / Zoning Commissioner for Baltimore County

JRH:mmn

cc: Peoples Counsel cc: Mary Katherine Thompson

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING Wilberger Avenue
7814 Cak Avenue
9th Election District
6th Councilmanic
Petitioner(s):
Mary Katherine Ti In the event that this Petition is any request for a stay of the isany request to a star suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 9-12, 19 9

THE JEFFERSONIAN,

J. ROBERT HAINES

M9100368

PUBLIC HEARING FEES QTY OSO -POSTING SIGNS / ADVERTISING 1 X \$105.46

TOTAL: \$105.46 LAST NAME OF OWNER: THOMPSON

04A04#0071MICHRC BA C010:16AM10-12-90

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-61-5PH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ the continued non-conforming use of a residential dwelling as a three apartment dwelling in a DR 5.5 residential zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	
	Mary Katherine Thompson	
(Type or Print Name)	(Type or Print Name)	MAP NERD
	Maugh Thompson	E3_
Signature	Signature	5.0.9
Address	(Type or Print Name)	11-21-91 A.F.
marran City and State	Signature	
Attorney for Petitioner:	J	· <u>G</u>
J. Neil Lanzi	15808 Yeoho Road	
(Type or Print Name)	Address P. Sparks, Maryland 211	hone No. 52
Signature T) ClMy/	City and State	
25 W. Chesapeake Ave., Ste. 204	Name, address and phone number of legal tract purchaser or representative to be o	
Towson, Maryland 21204	J. Neil Lanzi	
City and State	Name	
Attorney's Telephone No.: 321-8200	25 W. Chesapeake Avenue	
Attorney & Totephone 110 11111111111111111	Address F Towson, Maryland 2120	Phone No. 321-8200
ORDERED By The Zoning Commissioner of	Baltimore County, this	day
of chequet , 19 90, that th	e subject matter of this petition be ad-	vertised, as
required by the Zoning Law of Baltimore County	, in two newspapers of general circulation	on through-
out Baltimore County, that property be posted, a	nd that the public hearing be had before	the Zoning

Zoning Commissioner of Baltimore Coun

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

Mary Katherine Thompson

Sparks, Maryland 21152

Re: Petition for Special Hearing CASE NUMBER: 91-61-SPH

7814 Oak Avenue

NW/S Dak Avenue, 45' NE Wilberger Avenue

9th Election District - 6th Councilmanic Petitioner(s): Mary Katherine Thompson

HEARING: FRIDAY, OCTOBER 12, 1990 at 10:30 a.m.

15808 Yeoho Road

Z.C.O.-No. 1

10/10/90

Dennis F. Rasmussen

Please be advised that $\frac{105.46}{1}$ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & PUST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Galtimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

> Very truly yours, J. Robert Haines ZONING COMMISSIONER

J. Neil Lanzi, Esq.

Baltimore County Zoning Commissioner
County Office Building 111 West Chesapeake Avenue 7/17/90 FUBLIC HEARING FEES 040 -SPECIAL HEARING (OTHER) TOTAL: \$175.00 LAST NAME OF OWNER: THOMPSON

> 04A04#0134MICHRC BA C012:18FM07-17-90

Please make checks payable to: Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building

Petition for Special Hearing CASE NUMBER: 91-61-SPH NW/S Oak Avenue, 45' NE Wilberger Avenue 7814 Oak Avenue 9th Election District - 6th Councilmanic Petitioner(s): Mary Katherine Thompson HEARING: FRIDAY, OCTOBER 12, 1990 at 10:30 a.m.

located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Special Hearing: The continued non-conforming use of a residential dwelling as a three apartment -in-a-DR5.5-residential-zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Baltimore County

cc: Mary Katherine Thompson J. Neil Lanzi, Esq. Virginia Macken

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

October 1, 1990

RE: Item No. 18, Case No. 91-61-SPH Petitioner: Mary Katherine Thompson Petition for Special Hearing

Dear Mr. Lanzi:

Towson, MD 21204

J. Neil Lanzi, Esquire

25 W. Chesapeake Avenue, Suite 204

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mary Katherine Thompson 15808 Yeoho Road Sparks, MD 21152

Petitioner: Mary Katherine Thompson

Baltimore County

(301) 887-3353

J. Robert Haines

Zoning Commissioner Office of Planning & Zoning

8th day of August, 1990.

Petitioner's Attorney: J. Neil Lanzi

Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: August 6, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Mary Katherine Thompson, Item No. 18

In reference to the Petitioner's request, staff offers no

comments. If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm ITEM18/ZAC1

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

August 10, 1990

Dennis F. Rasmussen

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 11, 13, 15, 16, 17, 18, 20, 22, 23, 24, 25, 28,

Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

MSF/lvw

ZONING OFFICE

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

JULY 30, 1990



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner:

MARY KATHERINE THOMPSON

Location: Item No.:

Zoning Agenda: AUGUST 7, 1990

#7814 OAK AVENUE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 19

REVIEWER: At Joseph Holy 7-30-90 Noted and Cartania & Brack of the Planning Group Fire Prevention Bureau Special Inspection Division

JK/KEK

Your petition has been received and accepted for filing this

ZONING COMMISSIONER

BALTIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

AUS 0 5 1820

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

PERMITS & LICENSES

SUBJECT:

ZONING ITEM #: 18 PROPERTY OWNER: LOCATION:

ELECTION DISTRICT:

COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING: () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF

MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () NUMBER PARKING SPACES -(-) BUILDING ACCESS

() RAMPS (degree slope) () CURB CUTS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0

COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for August 7, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 11, 15, 16, 17, 20, 23, 24, 25, and 28.

For Item 13, water and sewer are available to the site. The Developer is responsible for extension of the paved road to the proposed lot with an 18-foot open paving section, ending with a 40-foot x 50-foot turnaround area and any drainage structures required.

For Item 22, water and sewer are available to the site. No public improvements are required.

For Item 29, the 5-foot utility easement along the west lot line of Lot III is a County easement, and as such, no permanent structures are allowed within Robert W. Bowling, P.E. ente the easement area. Developers Engineering Division

RWB:

ZINING ENFORCEMENT Baltimore County Zoning Office Towson, Maryland 21204 91-61-5PH

> BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

> > July 18, 1990

TO: James E. Dyer Zoning Supervisor

FROM: James H. Thompson

Zoning Enforcement Coordinator

TRE: Item No. 18 Petitioner: KENNETH & MARY THOMPSON (J. Neil Lanzi Esq.) 15808 Yeoho Rd Spraks Md 21152

VIOLATION CASE # C-90-2527

LOCATION OF VIOLATION 7814 OAK AVENUE DEFENDANT K.& M. THOMPSON

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

VIRGINIA MACKEN

7812 OAK AVENUE 21234

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.



PETITIONER(S) SIGN-IN SHEET

15808 Yeaks Rd. Sparks, Mdz1152

PLEASE PRINT CLEARLY

Petitioner's Ephibit 3 91-61 SPH



Richard C. Geier Frances M. Geier 19625 Middletown Road Freeland, Md. 21053 329-6501 October 4, 1990

Mr. & Mrs. Kenneth W. Thompson 15808 Yeoho Road Sparks, Md. 21152

Ken and Kathy,

The property located at 7814 Oak Avenue, Baltimore, Md., 21234 was maintained as a three rental unit residence from prior to the date we purchased the property (Semptember 13, 1978) through the the date we sold the property to you on June 29, 1984.

PETITIONER'S Richard C. Geier

EXHIBIT 4

91-615PH

Frances M. Geier 10-5-90

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

PETITIONER'S EXHIBIT 5 91-61 SPH

I have personal knowledge that the home located at 7814 OAK AVE., BALTO. HD 21234 has been used as a THREE (two/three,etc.) apartment dwelling since October, 1946. I also have personal (month) (year)

knowledge that all apartments within the dwelling have been utilized as such continuously and uninterrupedly since october, 1946.

(month), (year)

from the 45 army in July 1946 and helped to build

the third apartment in the fall of 1946.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 33 day of , 198, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared the affiant herein, personally known or satisfactorily identified to me as such affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of knowledge and belief.

AS WITNESS my hand and Notarial Seal



CHARLES CENTER • P.O. BOX 1475 • BALTIMORE, MARYLAND 21203

Customer Relations Department

May 16, 1990

K. T. Props 15808 Yeoho Road Sparks, MD 21152

Attention: Ms. Thompson Re: 7814 Oak Avenue

Dear Ms. Thompson:

I have listed below the information you requested for the accounts at 7814 Oak Avenue:

Meter Test Date Meter Supplies 1FL R APT. 568195 D21727325 6/1/74 1/1/78 1FL F APT. 272633 W64004847 6/1/73 1/1/78 2FL APT. 609152 D21725957 5/1/83 1/1/78

If I can be of any further assistance, please call me at 234-5845.

Sincerely,

H Heurs D. Deering Customer Representative

EXHIBIT 6 91-615PH



